



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (ABA) NO. 487 OF 2026

(Asrar Ahmed Safat Mohammed Khan V/s State of Maharashtra)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. F. T. Mirza, Senior Advocate a/by Mr. A. S. Shukla, Advocate for Applicant.

Mr. A. M. Ghogre, APP for Respondent/State.

CORAM : PRAVIN S. PATIL, J.
DATE : JUNE 12, 2026.

- . Heard.
2. Issue notice to the Respondent, returnable after three weeks.
3. Mr. Ghogre, the learned APP waives service of notice on behalf of the Respondent/State.
4. The Applicant prayed for ad interim protection in Crime No. 240/2026 registered with Police Station, Morshi, District Amravati for the offence punishable under Sections 140(2), 308(5), 336(3) and 61(2) of Bhartiya Nyay Sanhita, 2023, during the pendency of present Application.
5. It is the submission of the Applicant that there is a group of persons who are dealing with sale-purchase business of scrap materials. According to the Applicant, after delivery of such scrap from one person to another, there are regular transaction

between them, and accordingly, this group is running the business since long.

6. It is pointed out from the Notice dated 22/4/2026, which is enclosed with the present Application as Annexure-10 (Page-58) that earlier to lodging complaint with the Police Station, Morshi, one complaint was lodged by the Informant/Complainant dated 17/4/2026, wherein it is alleged that though he has provided the scrap material weighing about 4870 kgs. total worth Rs.17,81,446/- to the Applicant herein, he did not pay the said amount to the Informant. As such, according to the Informant, he was cheated by the present Applicant. On the basis of aforesaid complaint, notice was issued to the present Applicant.

7. The perusal of the FIR reveals the fact that the Informant has improved the story and lodged fresh complaint on 27/4/2026. In his complaint he has made serious allegations against the present Applicant. There is no whisper about the complaint lodged by him dated 17/4/2026. So also the Investigation Officer, while registering the offence, failed to consider the fact about earlier complaint recorded in the notice dated 22/4/2026.

8. It would be relevant to refer the recent view recorded by this Court in the case of *Ajay Prakashchand Agrawal V/s State of Maharashtra and Ors. in Writ Petition No. 1703/2026*, wherein this Division Bench of this Court has insisted that the Police

Authority, while issuing notice to the person against whom the complaint has been made, copy of complaint should also be enclosed so that the person who has to appear before the Authority would know the reason mentioned in the complaint or gist of the allegations levelled against him in the matter. Admittedly it is clear that while registering the offence on 27/4/2026 no such notice has been issued to the Applicant in the matter.

9. In the circumstance, Applicant has made out a case for interim protection, and accordingly, following order is passed.

ORDER

1. In the event of arrest in Crime No. 240/2026 registered with Police Station, Morshi, District Amravati for the offence punishable under Sections 140(2), 308(5), 336(3) and 61(2) of Bhartiya Nyay Sanhita, 2023, the Applicant – Asrar Ahmed Safat Mohammed Khan be released on furnishing PR Bond of Rs.25,000/- with one solvent surety in the like amount.
2. The Applicant shall attend the Police Station, Morshi on Monday and Saturday of every week in between 3.00 p.m. to 5.00 p.m. till next date of hearing in the matter.
3. The Applicant shall co-operate the investigation agency in the investigation.

4. The Applicant shall furnish his address and telephone/mobile number(s) to the Investigating Officer. He shall not change the same without permission of the Court.
5. The Applicant shall not tamper with the investigation so far collected by the prosecution.

[PRAVIN S. PATIL, J.]

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